OIPE JC25 JAN 28 2004 PATENT & TRADEMARK OFFICE

**Docket No. BAF-15502/29**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bret A. Ferree

Serial No.: 10/680,468 Group Art Unit: 3738

Filed: October 7, 2003

For: ARTIFICIAL DISC REPLACEMENT (ADR) USING ELASTIC TETHER MEMBER

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 CFR 1.97(b).

Date: January 26, 2004

Reg. No.: 37,424

Tel. No.: 734/913-9300

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: January 26, 2004

Janice A. Lincourt

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JAN 28 2004
PATENT & TRADEMARK OFFICE

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## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record. An Information Disclosure Statement for U.S. Patents was previously filed electronically on January 26, 2004.

In accordance with 37 C.F.R. §1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possible material information as defined in 37 C.F.R. §1.56(a) exists. In accordance with 37 C.F.R. §1.97(h) this Information Disclosure Statement is not to be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

Respectfully submitted,

By _____
John G. Posa
Reg. No. 37,424

Date: January 26, 2004

# INFORMATION DISCLOSURE CITATION

*(Use several sheets if necessary)*

| Docket Number (Optional) | Application Number |
|---|---|
| BAF-15502/29 | 10/680,468 |
| **Applicant(s)** | |
| Ferree | |
| **Filing Date** | **Group Art Unit** |
| October 7, 2003 | 3738 |

## U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---|---|---|---|---|---|---|---|
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## FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation YES | Translation NO |
|---|---|---|---|---|---|---|---|---|
| | | WO 00/64385 | 11/2000 | WIPO | A61F | 2/44 | ✓ | |
| | | WO 0059412 | 10-12-2000 | WIPO | A61F | 2/44 | ✓ | |
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## OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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| EXAMINER | DATE CONSIDERED |
|---|---|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.